<u>REMARK</u>

Applicant respectfully requests reconsideration of this application as amended. Claims <u>1-5 and 9-21</u> remain in the application. Claims <u>1, 3, 9, 15, and 20</u> have been amended. Claim 11 has been canceled. No claims have been added.

<u>Rejections under 35 U.S.C. § 103(a)</u>

Applicant's claims <u>1, 3-5, 9, 10, and 12-21</u> have been rejected under 103(a) as being obvious over Edlund, U.S. Patent 6,546,388 in view of Doliov, U.S. Patent Publication No. 2006/0004594. Applicant does not admit that either Edlund or Doliov is prior art and <u>reserves</u> the right to swear behind either of these references at a later date. Nonetheless, Applicant respectfully submits that the invention as claimed in claims <u>1, 3-5, 9, 10, and 12-21</u> is not described or suggested by the combination of Edlund and Doliov.

Edlund discloses ranking search results based on click popularity and document recency (Edlund, Figure 4, Label 0405). Click popularity ranks a search result based on the number accesses (i.e. clicks) of a piece of information (Edlund, Col. 3, lines 46-48). That is, a search system using click popularity ranks higher a more accessed piece of information than a less accessed piece of information. On the other hand, document recency tracks the age and update frequency of the piece of information (Edlund, Col. 3, lines 48-49). Update frequency ranks only the most recent version of the piece of information (Edlund, Col. 9, lines 31-32). For example "the popularity count is <u>only</u> incremented for the newest version of the website (version 0)̈, which means that the popularity count weighs the new version [of the website] more heavily than any previous version [of the website]" (9/19/06 Office Action, p. 4). As a result, "the weighting is accumulated only for the most recent version" (9/19/06 Office Action, p. 7). Because Edlund increment the newest version and not the older version, Edlund weighs only for the most recent version and gives no weight to the older versions.

Doliov discloses using limited data to yield information about the validity of any given interaction with a website (Doliov, Abstract). To determine the validity of a user interaction, Doliov further discloses collecting aggregate and unique feature data, such as information about searches, Internet Protocol (IP) address, time of search, etc. (Doliov,

paragraph 32). This data is merged to yield data such as clicks per IP address per hour and searches per search term per hour (Doliov, paragraph 33, Table 3). This information is used in models to determine whether the data is valid user interaction or is an invalid interaction (Doliov, paragraph 29).

However, there is no disclosure in either Edlund or Doliov that increase the score for a click using rank adjustment factors, where the rank adjustment factors increase the score for a click that has a lower score. For example, claim 1, as amended, requires "creating an enhanced popularity score for a piece of information based on inflation and rank adjustment factors applied to clicks of the piece of information, wherein the inflation factors weigh more recent clicks of the piece of information more heavily than older clicks of the piece of information based on timestamps of the recent and older clicks and the inflation factors contribute a positive value to the enhanced popularity score for each of the clicks, and wherein the rank adjustment factor increases the enhanced popularity score for lower enhanced popularity scores."

Claim 3, as amended, states "determining a result of the search consisting of ranking the result based on an enhanced popularity score, wherein the enhanced popularity score for a piece of information weighs more heavily a newer click for the piece of information that an older click for the piece of information based on timestamps of the newer and older clicks, wherein the enhanced popularity score for lower rank pieces of information is increased using rank adjustment factors, and each piece of information contributes a positive value to the enhanced popularity score."

The above quoted limitations are not described or suggested by Edlund and/or Doliov. Support for the claims, as amended, can be found in paragraphs 17-18.

Furthermore, neither Edlund nor Doliov disclose determining an expected click rate and adjusting the ranking based on the actual click rate against the expected click rate. The Examiner asserts that Edlund discloses that the calculated relevancy score can be influenced by popularity counts. However, this section does not teach or suggest determining an expected click rate or adjusting the relevancy based on assessing the actual click rate against the expected click rate. Claim 9, as amended, claims, "modifying the time history of clicks by applying a time decay rate to each click in said time history

of clicks, wherein the time decay rate produces a value greater for a newer click of the piece of information that an older click of the piece of information based on timestamps of the newer and older clicks and each value is a positive value; generating the enhanced popularity score for the piece of information based on the modified time history of clicks; determining an expected click rate for said piece of information; adjusting the enhanced popularity score based on assessing actual click rate of said piece of information against the expected click rate."

The above quoted limitations are not described or suggested by Edlund and/or Doliov. Support for the claims, as amended, can be found in paragraphs 5 and 36-37.

In addition, neither Edlund nor Doliov disclose time decay rates that are used for highly and/or lower trafficked sites. For example, claim 15, as amended, requires, "generating at least two hypothetical enhanced popularity scores for the piece of information based on said click history and said high and low click time decay rates, wherein the time decay rates produce a value greater for a newer click of said piece of information that an older click of said piece of information based on timestamps of the newer and older clicks and each value is a positive value, wherein the high click time decay rate is for a highly trafficked site associated with said piece of information and the low click time decay rate is for a lower trafficked site associated with said piece of information."

The above quoted limitations are not described or suggested by Edlund and/or Doliov. Support for the claims, as amended, can be found in paragraph 34.

Neither Edlund nor Doliov disclose using a time and date code that is used to track the time difference between when a user requests a piece of information and when a user was redirected to that piece of information. Claim 20, as amended, cites, "placing a time and date code for a piece of information in a call to a tracking website, the time and date code used track the time difference between when the user requested the piece of information and when the user was redirected to that piece of information."

The above quoted limitations are not described or suggested by Edlund and/or Doliov. Support for the claims, as amended, can be found in paragraph 51-52.

For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims are allowable for at least the reason that they are dependent on an allowable independent claim.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: ___2/4/05___, 20_06_

Eric Replogle
Reg. No. 52,161

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300